

1 Matthew G. Ball (SBN: 208881)
2 matthew.ball@klgates.com
3 **K&L GATES LLP**
4 Four Embarcadero Center, Suite 1200
5 San Francisco, CA 94111
6 Tel.: (415) 882-8200
7 Fax: (415) 882-8220
8
9 Irene C. Freidel (*pro hac vice*)
10 irene.freidel@klgates.com
11 David D. Christensen (*pro hac vice*)
12 david.christensen@klgates.com
13 Jennifer J. Nagle (*pro hac vice*)
14 jennifer.nagle@klgates.com
15 **K&L GATES LLP**
16 State Street Financial Center
17 One Lincoln Street
18 Boston, MA 02111-2950
19 Tel.: (617) 261-3100
20 Fax: (617) 261-3175

21 *Attorneys for Defendant Wells Fargo Bank, N.A.*

22 Brian R. Strange
23 lacounsel@earthlink.net
24 Morvareed Z. Salehpour
25 msalehpour@strangeandbutler.com
26 **STRANGE & BUTLER**

27 12100 Wilshire Blvd, Suite 1900
28 Los Angeles, CA 90025
Tel.: (310) 207-5055
Fax.: (310) 8263210

30 Anne Richardson
31 arichardson@publiccounsel.org
32 Charles Evans
33 cevans@publiccounsel.org
34 **PUBLIC COUNSEL**
35 610 South Ardmore Avenue
36 Los Angeles, CA 90005
37 Tel.: (213) 385-2977
38 Fax.: (213) 385-9089

39 [Additional counsel listed on signature page]

40 *Attorneys for Plaintiffs Karen Lucia, Jeffrey*
41 *Lucia, and Gail Caplan*

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44
45 **UNITED STATES DISTRICT COURT**
46 **NORTHERN DISTRICT OF CALIFORNIA**
47 **SAN FRANCISCO DIVISION**

49 KAREN LUCIA, JEFFREY LUCIA, and
50 GAIL CAPLAN,

52 Plaintiffs,

54 v.

56 WELL FARGO BANK, N.A. d/b/a WELL
57 FARGO HOME MORTGAGE AND DOES 1
58 through 10,

60 Defendants.

62 No. 3:10-CV-04749-VC

64
65 **JOINT STIPULATION AND**
66 **[PROPOSED] ORDER**
67 AS MODIFIED

69 Hon. Vince Chhabria

1 PLEASE TAKE NOTICE that plaintiffs Karen Lucia, Jeffrey Lucia, and Gail Caplan
 2 (“Plaintiffs”) and defendant Wells Fargo Bank, N.A. (“Wells Fargo”) (collectively, the “Parties”), by
 3 and through their respective counsel, stipulate and agree as follows:

4 WHEREAS, this case is related to the cases captioned Corvello v. Wells Fargo Bank, N.A.,
 5 No. 3:10-CV-05072-VC (N.D. Cal.) (“Corvello”) and Jackmon v. America’s Servicing Company,
 6 No. 3:11-CV-3884-VC (N.D. Cal.) (“Jackmon”);

7 WHEREAS, because the cases are related and this case is the first-filed, plaintiffs filed the
 8 Joint Motion for Class Certification (the “Class Certification Motion”) in this case as well as in
 9 Corvello and Jackmon on July 2, 2015. See Lucia ECF No. 143.

10 WHEREAS, Plaintiffs did not intend to move for class certification of this action (ECF No.
 11 143), and thus no motion for class certification should be pending as to Plaintiffs;

12 WHEREAS, during the October 15, 2015 hearing on the Class Certification Motion in
 13 Corvello and Jackmon and in a subsequent order entered October 16, 2015, the Court ordered the
 14 Parties to file a stipulation regarding whether this case should be stayed pending resolution of the
 15 Class Certification Motion in Corvello and Jackmon (see ECF No. 134);

16 WHEREAS, plaintiff Gail Caplan is a member of the putative class as defined in the Class
 17 Certification Motion, and the Parties therefore agree that Caplan’s claims should be stayed pending
 18 resolution of the Class Certification Motion;

19 WHEREAS, plaintiff Gail Caplan reserves her right to seek to be added as a class
 20 representative in the future, and Wells Fargo reserves its right to object to such a request;

21 WHEREAS, plaintiffs Jeffrey and Karen Lucia (the “Lucias”) are not members of the putative
 22 class as defined in Class Certification Motion; and

23 WHEREAS, because the Lucias are not members of the putative class, the Parties do not
 24 believe that a stay as to the Lucias’ claims is necessary.

25 **IT IS HEREBY STIPULATED AND AGREED** by the Parties that:

26 (1) This case is not currently proceeding as a putative class action;
 27 (2) Plaintiff Gail Caplan is not seeking to be appointed as a class representative at this time;
 28 (3) Plaintiffs Jeffrey and Karen Lucia are not seeking to be appointed as class representatives

1 in this matter;

2 (4) The individual claims of plaintiff Gail Caplan, who is a member of the putative class as
3 defined in the Class Certification Motion, are stayed pending resolution of the Class
4 Certification Motion (and resolution of any subsequent appeal pursuant to Fed. R. Civ. P.
5 23(f)); and

6 (5) The claims of plaintiffs Jeffrey and Karen Lucia, who are not members of the putative
7 class as defined in the Class Certification Motion, are not stayed and may continue on an
8 individual basis.

9 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

10 6) The parties in the Lucia case are ordered to file a separate
11 case management statement from the other cases prior to the January
12 19, 2016 CMC.

1 Respectfully submitted,

2 KAREN LUCIA, JEFFREY LUCIA, and
3 GAIL CAPLAN

4 By their attorneys,

5 */s/ Charles Evans by permission*

6 Anne Richardson
7 arichardson@publiccounsel.org
8 Charles Evans
9 cevans@publiccounsel.org
10 **PUBLIC COUNSEL**
11 610 South Ardmore Avenue
12 Los Angeles, CA 90005
13 Tel.: (213) 385-2977
14 Fax.: (213) 385-9089

15 Brian R. Strange
16 lacounsel@earthlink.net
17 Morvareed Z. Salehpour
18 msalehpour@strangeandbutler.com
19 **STRANGE & BUTLER**
20 12100 Wilshire Blvd, Suite 1900
21 Los Angeles, CA 90025
22 Tel.: (310) 207-5055
23 Fax.: (310) 8263210

24 Thomas Eric Loeser
25 toml@hbsslaw.com
26 **HAGENS BERMAN SOBOL SHAPIRO**
27 1918 Eighth Avenue, Suite 3300
28 Seattle, WA 98101
29 Tel.: (206) 623-7292
30 Fax.: (206) 623-0594

31 Thomas Joseph O'Reardon , II
32 toreardon@bholaw.com
33 Timothy G. Blood
34 tblood@bholaw.com
35 **BLOOD HURST O'REARDON LLP**
36 701 B Street, Suite 1700
37 San Diego, CA 92101
38 Tel. (619) 338-1100
39 Fax: (619) 338-1101

40 Dated: December 2, 2015

41 WELL FARGO BANK, N.A.

42 By its attorneys,

43 */s/ Irene C. Freidel*

44 Irene C. Freidel (*pro hac vice*)
45 irene.freidel@klgates.com
46 David D. Christensen (*pro hac vice*)
47 david.christensen@klgates.com
48 Jennifer J. Nagle (*pro hac vice*)
49 jennifer.nagle@klgates.com
50 **K&L GATES LLP**
51 State Street Financial Center
52 One Lincoln Street
53 Boston, MA 02111-2950
54 Tel.: (617) 261-3100
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56 Matthew G. Ball (SBN: 208881)
57 matthew.ball@klgates.com
58 **K&L GATES LLP**
59 Four Embarcadero Center, Suite 1200
60 San Francisco, CA 94111
61 Tel.: (415) 882-8200
62 Fax: (415) 882-8220

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2 I, IRENE C. FREIDEL, am the ECF User whose ID and password are being used to file this
3 document and, in compliance with Local Rule 5-1(i)(3), hereby attest that all signatories concur with
this filing.

4 */s/ Irene C. Freidel*
5 Irene C. Freidel

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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4 DATED: December 4, 2015

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13 Hon. Vince Chhabria
14 United States District Judge

